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| 10/720,749 | 11/25/2003 | Young Soo Kim | 9988.090.00-US | 2778 |
| 30827 7590 06/01/2009 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006 | | | | |
| EXAMINER | | | | |
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOUNG SOO KIM

Appeal 2009-002877
Application 10/720,749
Technology Center 1700

Decided¹: May 29, 2009

Before EDWARD C. KIMLIN, CHUNG K. PAK, and
MICHAEL P. COLAIANNI, Administrative *Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the Decided Date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1-9. Claim 1 is illustrative:

1. A washing machine control method comprising steps of:
proceeding with a user-selected wash course after supplying water to a washing machine according to a first water level set based on an amount of laundry in the washing machine;
sensing a second water level at a predetermined time during the wash course;
calculating a water level reduction rate based on the set first water level and the sensed second water level.
determining a water re-supply amount by comparing the calculated water level reduction rate to a predetermined value; and
completing the user-selected wash course after re-supplying water to the washing machine according to the water re-supply amount.

The Examiner relies upon the following reference in the rejection of the appealed claims:

Kim et al (Kim) 6,842,929 B2 Jan. 18, 2005

Appellant's claimed invention is directed to a method for controlling a washing machine. The method entails, *inter alia*, supplying water to a first level, sensing a second water level at a predetermined time during the course of washing, calculating a water level reduction rate based on the first and second water levels, and determining the amount of water to add by comparing the reduction rate to a predetermined value.

Appealed claims 1-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kim.

We have thoroughly reviewed the respective positions advanced by Appellant and the Examiner. In so doing, we find ourselves in agreement with Appellant that the cited reference does not describe the claimed subject

matter within the meaning of § 102. Accordingly, we will not sustain the Examiner's rejection.

Kim discloses a method for washing which measures an accurate washing load before actual washing takes place. The final washing load is based on the total of the amount of water absorbed by the laundry, the laundry itself, and the water supplied to the washer. Once the final washing load is determined the controller of the machine "has washing methods set properly for the heavy or light washing loads and performs the washing by using a washing method selected according to a result of the determination" (col. 7, ll. 38-41). The number of water re-supply times for an elapsed time are used to determine the final washing load.

The flaw in the Examiner's rationale is that the elapsed time measured by Kim is equated to a calculation of the presently claimed water level reduction rate. However, as pointed out by Appellant, "the number of water re-supplies and the elapsed time of each re-supply are used [by Kim] for the purpose of calculating a total weight of laundry and water in the tub, not a rate" (App. Br. 11, 2nd para.). Also, we find no description in Kim of the claimed step of determining the amount of re-supplied water by comparing the calculated water level reduction rate to a predetermined value, and the Examiner has pointed to no such disclosure. Kim uses sensors to determine the water level and amount of water to be re-supplied (see col. 5, ll. 3 et seq.).

Accordingly, based on the foregoing, we are constrained to reverse the Examiner's rejection.

REVERSED

Appeal 2009-002877
Application 10/720,749

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